

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Action No. 5:21-cv-173-D

TRACIE BEARD, Individually and on)
behalf of others similarly situated,)
Plaintiff)
)
v.)
)
John Hiester Chevrolet, LLC)
Defendant)

DECLARATION OF MIKE OHMAN

I, Michael Ohman, declare as follows:

1. I am over the age of eighteen, of sound mind, and competent to testify. All facts stated herein are based upon my personal knowledge or my review of the business records of WebBuy. If called to testify, I could and would testify competently thereto.
2. I am the Director of Technical Operations for WebBuy. WebBuy is a “doing business as” name of Complete, LLC.
3. WebBuy provided online digital retailing software services to John Hiester Chevrolet, LLC (hereinafter “Hiester”) in 2020 and continues to do so today.
4. As part of these services, WebBuy maintains a web service on Hiester’s behalf on which consumers can submit inquiries about Hiester’s motor vehicles.
5. The website allows consumers to obtain an estimated price for a vehicle, but they can only obtain this price if they click on the box indicating their agreement to WebBuy’s terms of service and privacy policy. If a consumer received a price for a Hiester vehicle using the WebBuy site, that consumer must have checked this box.
6. The terms of service and privacy policy are available via hyperlinks next to the box

Def. Appendix for SJ
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checked to indicate the consumer's agreement to these documents.

7. WebBuy's records show that, on or about September 30, 2020, a consumer visited the website WebBuy maintains for Hiester and, using Tracie Beard's name and contact information, submitted an inquiry about a motor vehicle offered by Hiester, including checking the box agreeing to the terms of service and privacy policy.
8. This submission included, among other things, Tracie Beard's email address and home address, as well as the specific Hiester vehicle she was interested in. She also provided a home phone number with her submission, 919-288-0677; a current employer phone number, although her submission states that she is retired, 919-288-6590; and a former employer phone number, 919-751-1447.
9. WebBuy does not append or alter consumer contact information on the website form that consumers use to submit an inquiry.

**I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.**

Executed on: March 30th, 2022



Michael Ohman SIGNATURE

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